

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES EDWARD GREER,

Defendant.

)
)
)
)
)
)
)
)
)

8:08CR132

ORDER

This matter is before the court on the motion to continue by defendant James Edward Greer (Greer) (Filing No. 49). Greer seeks a continuance of the trial of this matter which is scheduled for September 8, 2008. Greer's counsel represents that Greer consents to the motion and acknowledges Greer understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Greer's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Greer's motion to continue trial (Filing No. 49) is granted as set forth below.
2. Trial of this matter is re-scheduled for **September 29, 2008**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **August 28, 2008 and September 29, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 28th day of August, 2008.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge